United Nations CEDAW/C/BHS/CO/6

# Convention on the Elimination of All Forms of Discrimination against Women

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**Committee on the Elimination of Discrimination against Women**

## Concluding observations on the sixth periodic report of the Bahamas*

1. The Committee considered the sixth periodic report of the Bahamas (CEDAW/C/BHS/6) at its 1635th and 1636th meetings (see CEDAW/C/SR.1635 and CEDAW/C/SR.1636), held on 25 October 2018. The Committee's list of issues and questions is contained in CEDAW/C/BHS/Q/6 and the responses of the State party are contained in CEDAW/C/BHS/Q/6/Add.1.

### A. Introduction

2. The Committee appreciates the submission by the State party of its sixth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/BHS/CO/1-5/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister of Social Services and Urban Development, Frankie A. Campbell. The delegation also included representatives of the Department of Gender and Family Affairs, the Office of the Attorney General and Ministry of Legal Affairs, the Ministry of Education, the Ministry of Health, the Ministry of Foreign Affairs and the Permanent Mission of the Bahamas to the United Nations Office and other international organizations in Geneva.

### B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2012 of the State party's combined initial to fourth periodic reports (CEDAW/C/BHS/4) and fifth periodic report (CEDAW/C/BHS/5) in undertaking legislative reforms, in particular the adoption of the following:

(a) Amendment to the Sexual Offences Act providing for the establishment of a sex offender register and registry, in 2014;

(b) Persons with Disabilities (Equal Opportunities) Act, in 2014.

* Adopted by the Committee at its seventy-first session (22 October–9 November 2018).

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5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the following:

(a) Upgrade of the Bureau of Women's Affairs to the Department of Gender and Family Affairs within the Ministry of Social Services and Urban Development, and increase in the resources allocated thereto, in 2016;

(b) Establishment of the National Commission for Persons with Disabilities, in 2014;

(c) Establishment of the National Task Force for Gender-Based Violence, in 2013, and the development of consequent strategic and implementation plans;

(d) Establishment of the Inter-Ministry Committee on Trafficking in Persons and Trafficking in Persons Task Force, in 2013.

6. The Committee welcomes the fact that, in the period since the consideration of the previous reports, the State party has ratified or acceded to the following international instruments:

(a) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2018;

(b) Convention on the Rights of Persons with Disabilities, in 2015;

(c) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2015;

(d) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2015.

### Sustainable Development Goals

7. The Committee welcomes the international support for the Sustainable Development Goals and calls for the realization of de jure (legal) and de facto (substantive) gender equality, in accordance with the provisions of the Convention, throughout the process of implementing the 2030 Agenda for Sustainable Development. The Committee recalls the importance of Goal 5 and of the mainstreaming of the principles of equality and non-discrimination throughout all 17 Goals. It urges the State party to recognize women as the driving force of the sustainable development of the State party and to adopt relevant policies and strategies to that effect.

## C. Parliament

**8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see A/65/38, part two, annex VI). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report under the Convention.**

## D. Principal areas of concern and recommendations

### Reservations

9. The Committee remains concerned that the State party maintains reservations to article 2 (a), on the general legal obligations of States parties under the Convention, and to article 9 (2), on nationality.

10. **The Committee recommends that the State party demonstrate its commitment to eliminating all forms of discrimination against women by withdrawing its reservations to articles 2 (a) and 9 (2) within a clear time frame in order to ensure the full applicability of the Convention in the State party.**

### Constitutional and legislative protection of women from discrimination

11. The Committee is concerned that the four constitution amendment bills aimed at achieving gender equality were rejected by voters in the referendum held in June 2016. The Committee remains concerned about the absence in the State party's Constitution and national legislation of an explicit definition of discrimination against women and provisions on gender equality, in line with the Convention. The Committee is particularly concerned about the following:

(a) The fact that, in article 26 (1) of the Constitution, discrimination on the grounds of sex is not prohibited and women are not protected from discrimination;

(b) The lack of effective mechanisms, and the insufficient State-level budgetary allocations, to implement and monitor the laws relating to gender equality;

(c) The failure to eliminate discrimination, notably intersecting forms of discrimination, in particular against women of Haitian descent, migrant women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women living in the Family Islands.

12. **The Committee reiterates its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 14) and recommends that the State party, in line with articles 1 and 2 of the Convention and the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention:**

(a) **Set a clear time frame for a constitutional reform, supported by a comprehensive educational and awareness-raising campaign and the inclusive participation of civil society organizations, to expand constitutional protection from discrimination under article 26 (1) to include at least the grounds of sex and gender;**

(b) **Ensure, without delay, that a comprehensive review of existing legislation is conducted, that a comprehensive definition of discrimination against women is put forward, in line with the Convention, and that the principle of gender equality is integrated into all national laws;**

(c) **Ensure the effective implementation of the prohibition of discrimination on the basis of sex and gender through appropriate enforcement mechanisms and sanctions;**

(d) **Adopt an action plan that includes adequate resources, a timeline and measurable targets requiring authorities to implement relevant laws to prevent and eliminate all forms of de facto discrimination against women and girls, in particular women of Haitian descent, migrant and asylum-seeking women, women with disabilities, lesbian, bisexual and transgender women, intersex persons and women living in the Family Islands.**

### Access to justice

13. The Committee welcomes the State party's efforts in the provision of capacity-building programmes for the judiciary. However, it is concerned about the limited capacity of the police and the courts to address complaints from women about gender-based violence in a gender-sensitive manner. The Committee is also concerned that women in the State party, in particular those belonging to disadvantaged groups, are

unaware of their rights under the Convention and thus lack the information necessary to claim them.

14. **The Committee recommends that the State party:**

(a) **Strengthen the judicial system, including through the allocation of sufficient human, technical and financial resources and systematic legal education and capacity-building programmes for judges, prosecutors, lawyers, police officers and other law enforcement officials with regard to women's rights and gender equality and raise awareness in order to eliminate the discrimination and stigmatization faced by women and girls who claim their rights;**

(b) **Ensure that the police and courts address complaints from women and girls about gender-based violence in an expeditious, efficient and gender-sensitive manner;**

(c) **Enhance awareness among women and girls of their rights and the remedies available to them under the Convention, including through awareness-raising campaigns, in cooperation with civil society organizations and community-based women's associations.**

**National machinery for the advancement of women**

15. The Committee welcomes the elevation of the Bureau of Women's Affairs to the Department of Gender and Family Affairs within the Ministry of Social Services and Urban Development, in October 2016. It is concerned, however, about the following:

(a) The limited human resources and underutilized financial resources allocated to the Department of Gender and Family Affairs;

(b) The limited autonomy and authority of the Department to effectively carry out its mandate;

(c) The weak institutional structure of the Department with regard to ensuring the continuity of core programming in the area of gender equality in all branches and at all levels of government throughout the country;

(d) The delay in adopting the draft gender policy and the draft strategic plan for the Department;

(e) The limited involvement of civil society organizations in the planning and development of policies, programmes and activities relating to women's rights.

16. **The Committee, recalling the guidance provided in the Beijing Platform for Action, in particular the conditions necessary for the effective functioning of national machineries for the advancement of women, recommends that the State party:**

(a) **Provide training to the personnel of the Department of Gender and Family Affairs, and to all officers working on related issues in the ministries, on gender equality and women's rights;**

(b) **Effectively identify the areas and places in which efforts are required in order to utilize more efficiently the financial resources allocated to the Department;**

(c) **Strengthen the authority and the regulatory and oversight roles of the Department and ensure its autonomy for improved effectiveness in the execution of its mandate;**

(d) **Enhance the institutional architecture of the Department to make it fit for purpose in order to safeguard the continuity of its functions and its core programming in all branches and at all levels of government;**

(e) **Accelerate the adoption of the draft strategic plan for the Department and of the draft gender policy and include specific indicators and targets in the policy to facilitate the accountability of stakeholders;**

(f) **Strengthen the participation of civil society organizations with all national mechanisms engaged in implementing the Convention and the Committee's recommendations, with a view to achieving gender equality in a comprehensive and effective manner.**

### National human rights institution

17. The Committee notes that the ombudsman bill was laid before Parliament in October 2017 and is currently under review to ensure that it is in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Committee reiterates its previous concern, however, about the absence of an independent and effective national human rights institution with a mandate for ensuring women's rights, in accordance with the Paris Principles.

18. **Recalling its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 40), the Committee recommends that the State party establish, as a matter of priority, a national human rights institution with a broad mandate in full compliance with the Paris Principles and provide it with sufficient resources and a specific mandate for ensuring women's rights.**

### Temporary special measures

19. The Committee is concerned about the absence of a comprehensive strategy for adopting and implementing temporary special measures to achieve the substantive equality of women and men in the State party in all areas of the Convention in which women are underrepresented or disadvantaged, including political and public life, education, employment and health.

20. **The Committee recommends that the State party make better use of temporary special measures as tools for accelerating gender equality, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, including by leveraging sectoral policies, targets, medium-term plans and modalities of implementation of the Sustainable Development Goals, and consider introducing quotas and other proactive measures accompanied by incentives, and with sanctions for non-compliance, with a view to achieving the substantive equality of women and men in all areas covered by the Convention in which women are underrepresented or disadvantaged, such as public and political life, education, health and employment.**

### Stereotypes and harmful practices

21. The Committee appreciates that the health and family life education curriculum contains a component aimed at combating discriminatory gender stereotypes. It also notes that the draft gender policy implementation plan will include a comprehensive strategy to address discriminatory stereotypes and harmful practices. The Committee remains deeply concerned, however, about the following:

(a) The persistence of deep-rooted patriarchal attitudes and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family

and in society, which are reflected in the insufficiency of public awareness of or debate on women's rights and gender equality;

(b) The fact that stereotypes are also root causes of violence against women and that the State party has not taken sustained measures to modify or eliminate discriminatory stereotypes against women, in particular disadvantaged groups of women.

22. **The Committee recommends that the State party:**

(a) **Adopt, without delay, a draft gender policy implementation plan and an associated comprehensive strategy that include proactive and sustained measures targeting discriminatory stereotypes and harmful practices in school, the mass media and public spaces;**

(b) **Conduct more awareness-raising campaigns on gender stereotypes for all public officials and community and religious leaders and the general public;**

(c) **Strengthen primary and secondary education on gender stereotypes, prejudice and gender roles in family relationships;**

(d) **Develop an action plan to eliminate discriminatory gender stereotypes, which incite violence against women and girls, and establish a monitoring mechanism to assess the impact of such measures, in particular in relation to women and girls facing multiple and intersecting forms of discrimination.**

**Gender-based violence against women**

23. The Committee welcomes the measures taken by the State party to combat gender-based violence against women and girls, such the establishment of the Domestic Violence and Counselling Unit, the appointment of the National Task Force for Gender-Based Violence and the development of a draft national strategic plan to address gender-based violence. It also welcomes the measures taken by the Royal Bahamas Police Force and the judiciary, such as the establishment of the Sexual Offences Unit in the Department of Public Prosecutions and the Swift Justice initiative to address delays in access to justice. It is concerned, however, about the following:

(a) The high prevalence of gender-based violence against women and girls, including domestic and sexual violence and rape, and the high reported incidence of hate crimes against lesbian, bisexual and transgender women and intersex persons, which remain culturally accepted and underreported;

(b) The lack of a comprehensive law addressing violence against women and the delay in finalizing and adopting the draft bill on gender-based violence and the draft national strategic plan to address gender-based violence;

(c) The delay in the adoption of draft amendments to the Sexual Offences Act that are fully in line with general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and the proposed amendment that would limit the right to file a complaint for marital rape to one year from the time of the violation;

(d) The delay in, and the absence of a time frame for, the establishment of a sex offender register and registry;

(e) The prevalence of corporal punishment as a widely accepted means of disciplining children at school and at home;

(f) The significant backlog in the court system of cases of violence against women and girls;

(g) The limited number of State-run shelters for women and girls who are victims of gender-based violence and sexual violence;

(h) The lack of data on cases of violence against women and girls that have been investigated and lead to prosecution and on the sanctions imposed on perpetrators in the State party, disaggregated by age and relationship between victim and perpetrator.

24. **Recalling its general recommendation No. 35, and in line with target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against all women and girls in the public and private spheres, the Committee recommends that the State party:**

(a) **Develop and implement comprehensive measures for the prevention and elimination of gender-based violence against women and girls, in particular domestic and sexual violence and rape, assess the reported incidence of crimes against lesbian, bisexual and transgender women and intersex persons and intensify efforts to change the social norms and cultural perceptions through which gender-based violence is tolerated as culturally acceptable;**

(b) **Accelerate the adoption of the comprehensive draft bill on gender-based violence and the draft national strategic plan to address gender-based violence, in line with the Committee's general recommendation No. 35;**

(c) **Adopt, without delay, the amendments to the Sexual Offences Act expressly criminalizing marital rape, remove any temporal limitations to the right to file a complaint for marital rape in the draft amendment to the Sexual Offences Act and establish a sex offender register and registry;**

(d) **Prohibit, in law and in practice, the corporal punishment of girls in schools and at home and strengthen awareness-raising programmes, in order to promote non-violent forms of child-rearing and discipline;**

(e) **Ensure that cases of gender-based violence against women and girls are effectively investigated and prosecuted and that penalties imposed on perpetrators are commensurate with the gravity of the crimes committed;**

(f) **Provide mandatory capacity-building programmes for judges, prosecutors, lawyers, police officers and other law enforcement officials on the strict application of legislation criminalizing gender-based violence against women and girls and on gender-sensitive methods and procedures to employ in interactions with women and girls who are victims of such violence;**

(g) **Provide adequate assistance, protection and rehabilitation to women and girls who are victims of violence, including by strengthening the capacity of existing shelters and enhancing cooperation with and promoting funding for non-governmental organizations that provide shelter and rehabilitation to victims;**

(h) **Collect statistical data on domestic, sexual and other forms of gender-based violence against women and girls, disaggregated by age and the relationship between victim and perpetrator.**

### Trafficking and exploitation of prostitution

25. The Committee welcomes the various anti-trafficking initiatives and measures taken by the State party, including the establishment of the Inter-Ministry Committee on Trafficking in Persons and the Trafficking in Persons Task Force. It remains

concerned, however, about the low number of trafficking cases brought before the court and the lack of research on trends in and the extent of trafficking in women and girls in the State party.

26. **The Committee recommends that the State party:**

(a) **Build the capacity of the judiciary, law enforcement officers, border police, social workers and health-care professionals for the identification and early referral of women and girls who are victims of trafficking to appropriate social services and gender-sensitive protocols for their treatment;**

(b) **Intensify the enforcement of the Trafficking in Persons (Prevention and Suppression) Act, 2008, increase the financial resources of the programmes of the Inter-Ministry Committee and Task Force aimed at combating trafficking, and accelerate the establishment of a secretariat that deals with trafficking in persons, with trained professionals to carry out the mandate of these bodies efficiently;**

(c) **Conduct a study in order to establish a baseline with regard to the trends in and the extent of trafficking in women and girls in the State party.**

27. The Committee remains concerned about the criminalization of prostitution through the Sexual Offences and Domestic Violence Act, the lack of information on the phenomenon and the prevalence of women involved in prostitution in the State party, who are therefore affected, as well as the absence of information on exit programmes for women who wish to leave prostitution. The Committee is also concerned about the number of children involved in prostitution and child pornography, including in the context of tourism.

28. **The Committee reiterates its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 26) and recommends that the State party:**

(a) **Decriminalize prostitution;**

(b) **Address the root causes of the exploitation of women and girls in prostitution by offering educational and alternative income-generating opportunities to women who are at risk of being exploited, and in particular girls from poor families who are forced into prostitution to provide family income, and exit programmes for women who wish to leave prostitution, including social and professional reintegration strategies;**

(c) **Take all measures necessary to eliminate child pornography, including in the context of tourism, and raise awareness among the actors directly involved in the tourism industry about children and, in particular girls, engaged in tourism-related activities who are at risk of becoming involved in commercial sexual exploitation.**

### Participation in political and public life

29. The Committee remains concerned about the low participation of women in political and public life, in particular in decision-making positions, which can be attributed in part to patriarchal attitudes, lack of such measures as statutory quotas or a parity system for political appointments, limited access to political networks and insufficient capacity-building programmes for women in leadership and political skills.

30. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recalls its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 28) and recommends that the State party:**

**(a) Establish concrete goals and time frames for strengthening the equal participation of women in public and political life at all levels and create the conditions necessary for the achievement of such goals, such as implementing statutory quotas;**

**(b) Adopt measures to ensure de jure and de facto gender parity within political parties and encourage women to stand for election at the national and local levels;**

**(c) Provide more training and capacity-building programmes for women who wish to enter into political life or seek public office;**

**(d) Raise awareness among politicians, the media, church leaders and the general public to ensure the full, equal, free and democratic participation of women in political and public life on an equal basis with men.**

### Nationality

31. The Committee notes the State party's announcement, in November 2017, to amend the Bahamas Nationality Act in order to ensure that Bahamian women have the same rights as Bahamian men regarding the transmission of their nationality to their children. It regrets, however, the failure of the referendums held in 2012 and 2016 to change the Constitution to enable Bahamian women to pass on their nationality to their children on an equal basis with men. The Committee is also concerned that children who are stateless in the Bahamas, including orphans of parents who are themselves stateless or of unknown nationality, cannot apply the principle of *ius sanguinis* or that of *ius soli* to obtain nationality, and about a lack of information or statistics on stateless women and girls in the State party.

32. **Recalling its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 30) and general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

**(a) Undertake specific measures aimed at raising awareness among politicians and the general public of the need to amend the Constitution in order to repeal provisions that discriminate against women in matters of nationality;**

**(b) Amend the Bahamas Nationality Act 1973 to include provisions allowing Bahamian men and women to transmit citizenship to their children on an equal basis and take further legislative steps to ensure that Bahamian women can transmit their nationality to non-Bahamian spouses, in line with article 9 of the Convention;**

**(c) Introduce a statelessness determination procedure to identify stateless women and children, including orphans of parents who are themselves stateless or of unknown nationality, and afford them protection in the State party, including access to a simplified naturalization process before they reach the age of 18 years.**

### Education

33. The Committee notes with appreciation the progress achieved with regard to access to education for girls and the reconstitution of the National Training Agency in 2017. The Committee is concerned, however, about the following:

(a) The insufficient measures taken to ensure access to high-quality education for all girls, in particular those in the Family Islands and those from disadvantaged communities, including girls of Haitian descent, and to improve the quality of education, in particular in public schools;

(b) Delays in the revision of the Education Act and curriculum reform, which were aimed at better addressing gender equality;

(c) The concentration of women and girls in traditionally female-oriented fields of study and their underrepresentation in the fields of science, technology, engineering and mathematics and in the Technical Cadet Corp Programme;

(d) The placement of pregnant girls in special schools operated by the Providing Access to Continued Education Foundation to avoid stigmatization, and the lack of practical measures to ensure their re-entry and retention in schools after childbirth;

(e) The limited access for girls with disabilities to inclusive education.

34. **The Committee recommends that the State party:**

(a) **Ensure that girls in the Family Islands and girls from disadvantaged communities, including girls of Haitian descent, have equal access to high-quality education at the primary and secondary levels;**

(b) **Accelerate the revision of the Education Act and curriculum reform, with the aim of better addressing gender equality;**

(c) **Eliminate negative stereotypes and structural barriers to the enrolment of girls in non-traditional fields of education, such as science, technology, engineering and mathematics, and provide career counselling to girls about non-traditional career paths;**

(d) **Adopt a policy to ensure that pregnant women and girls remain in school during their pregnancy and that young mothers return to school after childbirth to complete their education;**

(e) **Take measures to develop an inclusive education strategy for all girls with disabilities.**

### Employment

35. The Committee regrets that the State party has not provided sufficient information to enable it to fully assess its progress on gender equality in the area of employment. The Committee remains concerned about legislation that limits the application of the principle of equal pay for work of equal value and the provisions relating to entitlement to maternity leave, which do not offer those rights and their protection in line with the Convention. It is particularly concerned about the following:

(a) The disproportionately high unemployment rate among women, notwithstanding their higher level of educational attainment, the continued occupational segregation in the labour market and the concentration of women in low-wage jobs in the formal and informal sectors;

(b) The large amount of unpaid and unrecognized work done by women, which does not count towards their eligibility for retirement and other work-related benefits;

(c) The lack of information on the practical implementation measures in place with respect to legal provisions, including chapter 99 of the Statute Laws of the Bahamas and the Sexual Offences and Domestic Violence Act, that prohibit sexual harassment and violence against women in the workplace;

(d) The limited opportunities for women with disabilities to participate in the labour market;

(e) The insufficient information on the extent of the lack of gender equality in the area of employment and on the vulnerable situation of domestic workers, many of whom do not have adequate access to social benefits and are susceptible to sexual harassment in the workplace.

36. **The Committee recalls its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 34) and recommends that the State party:**

(a) **Enact appropriate legislation that guarantees the principle of equal pay for work of equal value in all areas of work and amend provisions relating to entitlement to maternity leave to guarantee those rights and their protection in line with the Convention, in particular with regard to compulsory leave of six weeks after childbirth, interruptions in work for nursing or expressing milk for a child and protection from dismissal during maternity leave;**

(b) **Intensify its efforts to create an enabling environment for women to become economically independent, including by raising awareness among employers and trade unions in the public and private sectors about the prohibition of discrimination against women in employment, and promote the entry of women into the formal economy, including through the provision of vocational and technical training;**

(c) **Ensure that women doing unpaid work are eligible for retirement and other work-related benefits, in particular after retirement;**

(d) **Ensure the effective enforcement of the legal provisions, including chapter 99 of the Statute Laws of the Bahamas and the Sexual Offences and Domestic Violence Act, protecting against sexual harassment and violence against women in the workplace;**

(e) **Adopt temporary special measures to increase the participation of women with disabilities in the labour market;**

(f) **Adopt a strategy for the protection of domestic workers, including enforcement of labour inspection, and ratify the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization concerning decent work for domestic workers.**

### Health

37. The Committee is concerned about the following:

(a) The lack of age-appropriate and comprehensive education on sexual and reproductive health and rights, including responsible sexual behaviour for girls and boys, and the lack of family planning services;

(b) The inconsistency between the age of sexual consent, which is 16 years, and the age at which contraceptive and other health services may be provided without parental consent, which is 18 years;

(c) The tight restrictions on legal abortion, which may lead women to seek unsafe and illegal abortions;

(d) The high maternal mortality rates and the factors that exacerbate maternal mortality and morbidity, including the possible impact that early pregnancy and unsafe abortion may have on the rate of maternal mortality;

(e) The prevalence of newly diagnosed cases of HIV/AIDS among women;

(f) The lack of specialized services, in particular breast cancer screening and treatment and mental health services, in the Family Islands in particular.

38. **Recalling its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 36) and general recommendation No. 24 (1999) on women and health, the Committee recommends that the State party:**

(a) **Integrate into the school curriculum, and public awareness-raising campaigns, age-appropriate education on sexual and reproductive health and rights, responsible sexual behaviour and the prevention of early pregnancy and sexually transmitted infections, including HIV, and train teachers and other professionals to carry out those strategies and awareness-raising campaigns;**

(b) **Ensure that girls from 16 years of age have free and adequate access to contraceptives and sexual and reproductive health services, including in the Family Islands;**

(c) **Decriminalize abortion in all cases, legalize abortion in cases of rape, incest and severe fetal impairment and provide women with access to high-quality post-abortion care, in particular in cases of complications resulting from unsafe abortions;**

(d) **Strengthen efforts to reduce the high maternal mortality rate and address factors that exacerbate maternal mortality, such as early pregnancy and unsafe abortion, through the provision of appropriate health care, including facilities, and medical assistance by trained personnel;**

(e) **Implement strategies to combat HIV, in particular preventive policies, and a baseline to determine the prevalence of HIV, especially among at-risk groups, in the population under 25 years of age in particular, and encourage women in prostitution to use condoms and guarantee them access to adequate and respectful health care;**

(f) **Improve access for women to mental health services and specialized breast cancer services in the State party, and provide training to medical and health professionals in the early detection of mental illness and breast cancer, including in the Family Islands.**

### Economic empowerment of women

39. The Committee is concerned about the disproportionate level of poverty among women and that the Renewing, Inspiring, Sustaining and Empowering programme, launched in 2015, which was aimed at reducing the number of Bahamians living at or below the poverty level, was suspended in 2017. The Committee is also concerned about the limited information available on the new measures for structural adjustments in the development strategies of the State party, on trade liberalization policies and their impacts on women and on programmes aimed at alleviating the poverty of the most disadvantaged groups of women, including older women and women with disabilities.

40. **The Committee recommends that the State party assess the impact of the discontinuation of the Renewing, Inspiring, Sustaining and Empowering Programme on women and publish the results of the assessment. The Committee also recommends that the State party ensure that women who are in need will not suffer any adverse effects from the discontinuation of the programme and replace it with a suitable new cash transfer programme that is focused on providing assistance to disadvantaged groups of women and girls, including older women and women with disabilities. The Committee further recommends that the State party adopt programmes aimed at alleviating poverty among the most disadvantaged groups of women and adopt a gender perspective in implementing measures, in the context of structural adjustments and trade liberalization, and assess their impact on women. The Committee recommends**

**that the State party, in keeping with its extraterritorial obligations, ensure that its financial and tax policies do not negatively affect women's rights and efforts towards substantive equality between women and men.**

### Rural women

41. The Committee is concerned about the disadvantaged status of women in the Family Islands with regard to their access to health-care services and education, in particular tertiary education, as well as to justice, employment, skills development and training opportunities, agricultural land management and income-generating opportunities.

42. **Recalling its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party promote the participation of women in the Family Islands in decision-making processes, as well as their access to high-quality health care, education, justice, employment, skills development and training opportunities, agricultural land management and new income-generating opportunities.**

### Disadvantaged groups of women

*Migrant, refugee and asylum-seeking women*

43. The Committee notes with appreciation the State party's commitment to strengthening regional cooperation on the protection of refugees and stateless persons, demonstrated by its hosting the Caribbean Migration Consultations in December 2017. The Committee also notes the existence of the Migration Working Group. It is concerned, however, about the following:

(a) The absence of specific legislation, incorporating a gender dimension, that governs refugee and asylum-seeking processes;

(b) The detention of asylum-seeking women, including those with children;

(c) The lack of programmes aimed at the social and economic integration of migrant women, women of Haitian descent and refugee and asylum-seeking women in the State party;

(d) The situation of asylum-seeking and migrant women and women of Haitian descent without identity documents or national passports, who do not report violations of their rights, including gender-based violence, to the authorities, owing to a fear of deportation.

44. **In line with its general recommendation No. 32, the Committee recommends that the State party:**

(a) **Adopt specific legislation, incorporating a gender dimension, that governs refugee and asylum-seeking processes;**

(b) **Apply a gender-sensitive approach to receiving asylum-seeking women and considering asylum claims in order to ensure that such women are protected from exploitation and abuse while in custody and have access to appropriate health-care and other services;**

(c) **Take less coercive alternative measures when addressing women seeking asylum or refugee status or who have entered the country irregularly, and their children, and use detention only as a last resort;**

(d) **Take measures to improve the social and economic situation of refugee, asylum-seeking and migrant women and women of Haitian descent in order to eliminate their vulnerability to multiple and intersecting forms of**

**discrimination and violence, including domestic violence, and provide them with access to basic services, regardless of their immigration status;**

(e) **Ensure that a gender-sensitive approach is applied to the asylum claims of women and girls and provide refugee, asylum-seeking and migrant women with free legal counselling on the procedures available for obtaining legal status in the State party and documents relating to nationality.**

### Marriage and family relations

45. The Committee is concerned that section 50 of the Marriage Act provides for a minimum marriage age of 15 years and allows for exceptions to be granted for marriages involving those as young as 13 to 15 years of age. It remains concerned that there are no legal provisions governing de facto unions, which may deny women protection and redress in cases of separation. The Committee is also concerned that there has been little progress made in the creation of a unified court system and the establishment of a family court. In addition, the Committee is concerned that mothers, in particular single mothers, carry a disproportionate burden of caring for children owing to cultural factors and the absence of an enforcement mechanism for the payment of child maintenance.

46. **The Committee reiterates its previous recommendation (CEDAW/C/BHS/CO/1-5, para. 38) and recommends that the State party:**

(a) **Enforce the application of the minimum age of marriage of 18 years in law and practice, without exception;**

(b) **Review its legal system governing marriage and family relations, with a view to extending existing legal provisions to couples living in de facto unions;**

(c) **Accelerate the establishment of a unified court system, with family courts and alternative dispute resolution support services, in accordance with the recommendations of the Family Court System Committee, and allocate adequate human, financial and technical resources for the establishment and effective operationalization of a unified court system within a clear time frame;**

(d) **Strengthen the provision of parental education to parents, families and the general public aimed at promoting the shared responsibility of both parents in relation to the care and maintenance of children, review the legislation and procedures for child maintenance and urgently address challenges in order to ensure that single mothers receive child maintenance in a timely manner.**

### Impact of climate change and natural disasters on women

47. The Committee notes with appreciation that women occupy senior positions at the National Emergency Management Agency and that a gender assessment was conducted following Hurricane Matthew. The Committee recalls, however, the vulnerability of the State party to serious environmental and climate change and natural disasters. In that regard, it is concerned that climate change and climate-related disasters affect women disproportionately and that more could be done to include the special needs of women, in particular vulnerable groups of women, in disaster risk reduction preparedness, response and recovery.

48. **In line with its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, the Committee recommends that the State party:**

(a) **Ensure that women are represented in decision-making processes at all levels with regard to the development and implementation of policies on disaster risk reduction, post-disaster management and climate change;**

(b) **Ensure that the results of the gender assessment undertaken following the recent hurricanes are used in the development and implementation of future policies and programmes on disaster risk reduction and climate change, in addition to other emergencies, that all policies and programmes are based on a comprehensive gender analysis and that they take into account the special needs of women, including vulnerable groups of women.**

**Optional Protocol to the Convention**

49. **The Committee welcomes the State party's assurance, made during the dialogue, that it intends to ratify, as soon as possible, the Optional Protocol to the Convention.**

**Beijing Declaration and Platform for Action**

50. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

**Dissemination**

51. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, Parliament and the judiciary, to enable their full implementation.**

**Technical assistance**

52. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

**Ratification of other treaties**

53. **The Committee notes that the adherence of the State party to the nine major international human rights instruments [1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.**

**Follow-up to the concluding observations**

54. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 12 (a), 16 (d), 24 (b) and 26 (b) above.**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

**Preparation of the next report**

55. **The Committee requests the State party to submit its seventh periodic report, which is due in November 2022. The report should be submitted on time and cover the entire period up to the time of its submission.**

56. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (HRI/GEN/2/Rev.6, chap. I).**